

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Baboucar B. Taal

v.

Civil No. 13-cv-545-JD
Opinion No. 2014 DNH 209

Gregory Ulasz, et al.

O R D E R

Baboucar B. Taal, proceeding pro se and in forma pauperis, filed a complaint and a motion for an emergency preliminary injunction. The complaint was dismissed on preliminary review, and the motion for an emergency preliminary injunction was terminated. After his motion for reconsideration was denied, Taal appealed. On September 5, 2014, the First Circuit entered its judgment affirming this court's decision. The First Circuit has not yet issued a mandate.

"The relationship between district court jurisdiction and the issuance of the appeals court mandate is clear and well-known: The filing of a notice of appeal . . . 'confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal.'" United States v. DeFries, 129 F.3d 1293, 1302 (D.C. Cir. 1997) (quoting Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982)); see also Nevius v. Tomlinson, 2014 WL 1631385, at *1 (W.D. Mo. Apr. 24, 2014); Jackson v. Int'l Fiber Corp., 2010 WL 148073, at *1 (S.D. Ohio Jan. 11, 2010); In re Utilities Uranium Decontamination & Decommissioning Fund Litig., 2001 WL 286768, at *4 (S.D.N.Y. Mar. 26, 2001). Although limited

exceptions to the jurisdictional rule exist, none apply here. Therefore, the court lacks jurisdiction to consider the motion.

Conclusion

For the foregoing reasons, the plaintiff's emergency ex parte motion for injunctive relief (document no. 15) is denied due to a lack of jurisdiction.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

September 30, 2014

cc: Baboucar B. Taal, pro se